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A part of a speech pronounced by Francis S. Key, Esq. on the trial of Reuben Crandall M,D.

A PART OF A SPEECH PRONOUNCED BY FRANCIS S. KEY, ESQ. ON THE TRIAL OF REUBEN CRANDALL, M. D. BEFORE THE CIRCUIT COURT OF THE DISTRICT OF COLUMBIA, At the March Term thereof, 1836, ON AN INDICTMENT FOR PUBLISHING LIBELS WITH INTENT TO EXCITE SEDITION AND INSURRECTION AMONG THE SLAVES AND FREE COLOURED PEOPLE OF SAID DISTRICT.

[From the African repository for November 1836.]

WASHINGTON:

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MR. KEY ON THE COLONIZATION SOCIETY.

[Most of our readers are probably aware that in April last Reuben Crandall, M. D., was tried before the Circuit Court of the District of Columbia for Washington county, on an indictment for publishing libels with intent to excite sedition and insurrection among the slaves and free coloured people of that District. His able and learned Counsel adopted a line of defence which brought so prominently into discussion the principles and practice of the American Colonization Society, that a gentleman of great skill and accuracy in the art of stenography determined to report the portion of one of the speeches of Francis S. Key, Esq., Counsel for the prosecution, which related to that Institution. The report was submitted to Mr. Key for revision; but other engagements prevented him from examining it until recently. It is now presented to our readers, as an exposition of the objects of the Society by one of its founders and constant friends, and as a specimen of the eloquence

of a distinguished orator of our country. The note at the end has been added by Mr. Key.—Edit. Afr. Rep.]

Mr. Key said the Jury had been truly told that this was a most important cause. It would have been so, however it had been defended. But a ground of defence had been taken, somewhat to his surprise, which infinitely increased its importance. The Counsel for the Traverser had not been satisfied to rest his defence on the denial of the publication of the alleged libels: They were boldly defended, justified, or excused; they were declared not to be libellous—so that if the Traverser did publish them, he was still to be acquitted.

There were then staked on the present issue two great conflicting rights:—our right, and the right of the whole slaveholding community, to self-protection; and the right of others to prostrate its laws and disturb its peace,—our right to our property and our homes, under the sanction of the Constitution, and the right of others to excite to plunder and insurrection.

If it shall be determined that their right is the strongest—that the right of protection must yield to the right of insurrection, the sooner we know it the better. If we cannot prevent such publications as those charged in this indictment from being scattered like fire-brands among us; if we cannot punish the agents who are taken in the very act of distributing them; if they are to be allowed, to use the language of one of the pamphlets in this indictment, “to publish them in high places and low places, and in all places where human beings are to be found—to proclaim them from the house-top, and to whisper them in chimney corners”; there is nothing left for us but to yield and take the best terms our adversaries will give us.

What those terms are, they tell us: We are to give up our slaves—not for compensation —not gradually as we may be enabled to substitute other labour, and as the slaves may become prepared for the change in their condition, but absolutely, unconditionally, immediately. Nor is this all. They are to remain among us—to be admitted immediately to a

full and equal participation in all civil and social privileges. Then, if we do not like our new condition, we can go away—and the friends of human rights and amalgamation can come and take our places.

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He therefore considered it far more important than any thing else belonging to this cause, to settle this matter of right; to ascertain whether the writings charged in this indictment are libellous or innocent—whether we can punish those who publish them or whether those who have no common feeling or interest with us, may distribute them, without opposition, whenever they please, and wherever they “can find *human beings* to receive them.”

What is libellous? The law, as he had stated it in the opening, had not been questioned. Whatever tends to bring the laws into contempt—whatever excites to violence and endangers the public peace.

What are these writings? They had been read, and he need not repeat them. They declare that every law which sanctions slavery is null and void, and that obedience to it is a sin; that we have no more rights over our slaves than they have over us. Does not this bring the constitution and the laws under which we live into contempt? Is it not a plain invitation to resist them?

Then look at the excitement intended and avowed in these writings. That in the first count exhibits the most shocking and disgusting details of the cruelties inflicted on slaves. It is true, as has been said by the Defendant's Counsel, the scene is laid in Jamaica. But why they are to be published and distributed here, we are not left to conjecture. They are wound up by declarations that “they belong to the system of slavery”; that they are not in particular places, but without limitation, “among its actual fruits.” He need not call the attention of the Jury to these details, grossly exaggerated as he believes them to be; but it had not been denied, and it could not be denied, that they were most revolting and

exciting: and he who was wicked enough to desire to call up those passions that would lead to violence and bloodshed, could find nowhere materials better suited to his purpose.

Then look at the libel charged in the second count—the passage which he had read, as was said by the Traverser's Counsel, with so much feeling, but which only seemed criminal because so read. He could not read such a passage without feeling. He knew no one who could. The gentleman could see no harm in it!—not even in the horrid threat and the malignant taunt with which it concludes—equalled by nothing, unless it be the parallel passage read from one of the Emancipators found on the Traverser, which alluded to the Southampton massacree as “an earthquake” which disturbed us “in our snoring.”

And look at the pictures charged as libellous in the third count. For what and for whom were they intended? Did the friends of human rights mean them as arguments addressed to the understandings of their Southern brethren? or were they for circulation in the “low places”?—to save even the “whisper” “in the chimney corner,” and to speak to those who could understand no other language?

The nature and tendency of all these things, and of the similar things that had been read in evidence from the Emancipators found upon the Traverser, were too plain to bear a dispute. He had not, he said, as he remembered, heard any argument from the other side to shew that they had any other meaning, or any innocent meaning; 5 or that they were not calculated to produce discontent and excitement. One of the gentlemen had defended the Anti-Slavery Society, and appealed to its constitution, in which it disclaimed any design to effect its object by a resort to physical force. He should take the liberty of contrasting with this disclaimer its admitted publications. We have also heard of the coolness and moderation of the Emancipator. He should refer to no others than those already read, to show its malignity and violence.

He had been supposed to have acquitted this Anti-Slavery Society of any evil intention. He had been misunderstood. The Society and its publications are in the hands of men whose

intentions are too plainly manifested and avowed, to permit any unprejudiced man to think well of their intentions. He had (he said) admitted, and was willing to admit, that there were many well-meaning men among them:—men who have been deceived and inflamed upon the subject of slavery by the high colouring and exaggerated descriptions of a state of society to which they are strangers. When they come among us, or are otherwise better informed, they renounce these opinions. There were, he had no doubt, many honest men among them, and sensible men—but, as was well said on another occasion, the honest men were not sensible, at least on this subject, and the sensible men were not honest. All men, however, must be supposed to intend what it is the evident tendency of their doctrines to accomplish: and if this rule be applied to the libels charged, as it must be, we can have no doubt of the intentions of their authors and publishers.

It had indeed been said that as to these publications, we are in no danger from them—that we occupy a middle ground, and that here there has been no disturbance or excitement. He was compelled (he said) to think differently. The testimony in this cause showed that there had been excitement and danger here. Dr. Crandall was told shortly after his arrival here with these publications, that the attempt upon the life of his mistress by Mrs. Thornton's slave, for which he has been since convicted, was instigated by the New York abolition pamphlets, passages from which he had been heard to repeat. But even if we were in no danger here, we could not but feel a sympathy for others who were,—for the whole slave-holding community to which we belong, against whose safety and happiness these incendiary writings were directed.

The main ground of argument, if not the only one, urged in the defence, to show that the matters charged were not libellous, was that others had published among us writings of the same import and tendency; that books had been written from the time of the Virginia Convention, and speeches made in legislative, political, and colonization meetings on the same subject, containing the same doctrines, and in language equally strong and exciting. If this could be shown, it was, he contended, no defence, and furnished no excuse to the Traverser. If Patrick Henry, Mr. Jefferson, Mr. Pinkney, and others have

written and spoken with freedom and warmth on the subject of slavery, in times and on occasions when they considered it safe and fit to discuss such a subject, does it give any warrant to a man like Dr. Crandall, having no common interest with us, to come 6 among us, and at a time and on occasions which we consider dangerous, force upon us such discussions? Because we may choose, in legislative halls and deliberative assemblies, to discuss questions in which we are interested, even if we did so in language like that charged in this indictment, is he to be allowed the same freedom? Still further, shall he be allowed to address this language wherever and to whomever he may please?—to speak it *“in high places and low places, and in all places where human beings are to be found”?* —to “ *proclaim it from the house tops and to whisper it in chimney corners,* ” as he, and those he is acting with, assume the right and avow the determination to do? No excuse, no palliation for any interference, much less for such an interference, by such a man, with the rights, the interests, and the safety of others, could be derived from any discussions, however free, intemperate, and indiscreet, which we may think proper to allow on certain occasions among ourselves. If therefore the Traverser's Counsel have succeeded, in the wide range they have taken among writings and speeches upon this subject, in discovering any expressions of the same tendency with those charged upon the Traverser, they have gained nothing for his defence. But they have not succeeded. In the parallel they have attempted to run between our writers and speakers upon the subject of slavery, and those of the Anti-Slavery Society, they have wholly failed. They have found plain admissions and eloquent descriptions of the evils of slavery: but do they find one word to recommend the anti-slavery remedy, a remedy far worse than the disease? Do they proclaim the nullity of the constitution and the laws?—recommend the immediate release of the slaves, and their admission to civil privileges?—and justify either the proclaiming, or the whispering, among them, of the right of insurrection?

Look at the selections the gentlemen have brought before you.

Mr. K. here read and commented on the following passage in the speech of Patrick Henry, to shew that he deplored the necessity of slavery, and not only did not favor the rash

projects of Abolitionists, but thought there was at that time nothing to be done but to meliorate the condition of the slaves.

“As much as I deplore slavery, I see that prudence forbids its abolition: I deny that the General Government ought to set them free, because a decided majority of the States have not the ties of sympathy and fellow-feeling for those whose interest would be affected by their emancipation. The majority of Congress is to the North, and the slaves are to the South. In this situation, I see a great deal of the property of the people of Virginia in jeopardy, and their peace and tranquillity gone away. I repeat it again, that it would rejoice my very soul that every one of my fellow beings was emancipated. As we ought with gratitude to admire that decree of Heaven which has numbered us among the free, we ought to lament and deplore the necessity of holding our fellow men in bondage. But is it practicable by any human means to liberate them, without producing the most dreadful and ruinous consequences? We ought to possess them in the manner we have inherited them from our ancestors, as their manumission is incompatible with the felicity of the country. But we ought to soften as much as possible the rigor of their unhappy fate. I know that in a variety of particular instances, the legislature, listening to complaints, have admitted their emancipation. Let me not dwell on this subject.”*

* Mr. Henry's speech. Debates in the Virginia Convention in 1788, page 422. Edit. Richmond 1805.

This great man (Mr. K. continued) might well speak of the necessity 7 of slavery, and exculpate those upon whom the evil had been inflicted. It was brought upon the Colonies by no fault of theirs. Several of them, Virginia, Massachusetts, and Georgia, had most earnestly, but ineffectually, remonstrated against it.

So as to all that had been read from Mr. Jefferson, Judge Tucker, Mr. Pinkney, and others: they thought of slavery as Patrick Henry did; but not one word of recommendation could be found for the madness of abolition. On the contrary, the only remedy they hoped for

was future and gradual, with all the preparation and conditions to make it safe, fair, and practicable to the masters, and beneficial to the slaves.

He then adverted to the address which had been read from the Presbyterian Synod of Kentucky. It contained, no doubt, strong expressions upon the subject of slavery, but did it recommend abolition? No, it recommended measures for the melioration and improvement of the slaves, in order to fit them for a *gradual change of condition* —measures which are denounced as sinful and abominable by the Abolitionists, as appeared in the articles already read to the Jury.

But the most extraordinary effort to exhibit writings equally libellous and dangerous with those charged in this indictment, was that which was directed to the Colonization Society and its members, the speeches at its meetings, and its reports and publications. And yet it was admitted that a most irreconcilable war had always existed between that Society, from its very origin, and the Abolitionists; and the cause of quarrel was avowed to be that the Colonization Society, as was contended, had nothing to do with the question of slavery, and was the supporter and apologist of slavery. The very pamphlets from which the libellous extracts charged in the indictment are taken, contain these accusations of the Colonization Society.

[Mr. K. here read several passages.]

In the book, also, of Mr. Jay, from which one of the gentlemen had read passages, we find the 2nd article of the constitution of the American Colonization Society quoted, to show the Society's disclaimer of any interference with the subject of slavery—and this disclaimer Mr. Jay denounces as “the vice of the Society.” He is against the Colonization Society, because it professes to have nothing to do with slavery.

“Art. 1. This Society shall be called the American Society for colonizing the free people of colour of the United States.

“Art. 2. The object to which its attention is to be *exclusively* directed, is to promote and execute a plan for colonizing (with their consent) the free people of colour residing in our country in Africa, or such other place as Congress shall deem most expedient. And the Society shall act to effect this object in co-operation with the General Government and such of the States as may adopt regulations on the subject.”

“The simplicity of the object of the Society, as stated in its constitution, tends in a powerful degree to encourage and enforce this compromise of principle. The constitution in fact vests a discretionary veto in every member on the expression of unpalatable opinions. The attention of the Society is to be ‘exclusively’ directed to the colonization of persons of colour, and the constitution contains no allusion to slavery. Hence any denunciation of slavery as sinful, any arguments addressed to slaveholders to induce them to manumit their slaves, would be unconstitutional, and are therefore carefully avoided.” “True it is that the constitution is as silent, with respect to manumission, as it is to slavery; but by common consent this silence 8 is not permitted to interpose the slightest obstacle to a unanimous, vigorous, and persevering opposition to present manumission.”*

* An Inquiry into the character and tendency of the American Colonization and American Anti-Slavery Societies. By William Jay. 3d edition, p. 13, 14.

Of the publications of the Society, the greatest stress was laid upon a number of the African Repository, which contained, among some excellent and unobjectionable things, a vehement and eloquent denunciation of slavery, in an address of Mr. Breckinridge of Kentucky. Yet the views of the Society upon the objectionable parts of this address, are to be found plainly expressed in the same number in which they published it. They are as follows:

“ *Speech of Mr. Breckinridge.* —The speech which we publish in our present number, is certainly an able and eloquent production. In the sentiments of this speech generally, we concur, but we wish it to be distinctly understood, that we consider slavery to be an

evil, which cannot, without producing evils greater than itself, be abolished, except by deliberate, cautious and gradual measures. The present generation did not produce, and are not therefore responsible for the *existence* of the present form of society in our Southern communities. If the state of things is wrong, it should be set right, but only with due regard to the rights and interests of all parties. The Colonization Society is removing the greatest obstacle in the way of emancipation, but none, we think, who is acquainted with the circumstances and condition of our Southern States, and who has any conscience or humanity, would deem it expedient or Christian to dissolve *instantaneously* all the ties which unite masters and slaves. We rejoice in the awakening interest felt in the cause of the Colonization Society throughout Kentucky, and the greater part of the Union. The condition of our coloured people demands the sober and solemn consideration of all the friends of our country and our race. Judicious plans for their relief and improvement cannot too speedily be adopted. The obligation to adopt such plans is not less imperative and immediate than the duty of frowning upon all attempts to infringe upon the rights of any of our citizens, or disturb the peace of any part of our country. We have no sympathy with the man, who professing to condemn war, is doing all in his power to kindle hostile feelings, and the fiercest passions in the minds of a numerous class of our populations."— *Afr. Rep. vol.* 7. *p.* 185, 186.

As to the speeches made at the meetings of the Colonization Society, many gentlemen had thought it right and fair and safe, on such occasions, to admit the evils of slavery, and to show to those who wished to discover a remedy for those evils, that the scheme of this Society by removing an otherwise insuperable bar to emancipation, in providing a place of transportation for the slaves, presented the only safe and practicable remedy for the gradual cure of these evils.

Two passages had been read, with great triumph, from a speech of his own. Mr. K. said he would read them with the few intervening paragraphs.

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“I would premise what I have to say to them by stating two very plain propositions. The first is, that the subject of slavery, in some way or other, will come into the thoughts, feelings, and plans of men situated as we are. It is in vain to say—let it alone. There may have been a time when the excitement now felt on this subject might have been stifled. When it was determined by our fathers to secure to themselves and their posterity the rights of freemen and the blessings of independence, then should they have been warned of the exciting consequences that would result from me acquisition and enjoyment of such rights. Then should it have been shown how they would lead to conceptions and discussions, dangerous to the rights of property and the public peace. Then should they have been called to choose between these conflicting interests, and to count the cost of what they might lose by declaring to the world that all men were free and equal, and appealing to Heaven for its truth. But there was then no man cold enough for such a calculation—no man who could darken the brightness of that day by raising such a question. It is too late now. In this age, in this country, the agitation of this subject is unavoidable. Legislation never can restrain it. Public sentiment never will. You may as we forge fetters for the winds, as for the impulses of 9 free and exulting hearts. It speech and action could be repressed, there would be excitement in the very looks of freemen.

“The other proposition is this. That among the plans and discussions that relate to this delicate subject, it must happen that some will be rash and dangerous.

“It is not to be expected, that men, not well informed of facts as they exist, and misled by the ardor of an inconsiderate zeal, will not devise projects, and hold them out to others, which may be attended with the most disastrous consequences. This is the nature of things. It must ever be so upon every subject, which, like this, contains within itself the elements of great excitement; more especially when that excitement is connected with some of the best principles and feelings of the heart.

“Now, Sir, put these two propositions together—that silence and inaction are unattainable, and dangerous and improper projects almost unavoidable; and what are we to do?

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Something we must do. However desirous we might be to do nothing, it is impossible, because others will not consent to do nothing; and if we relinquish the task of action, it will infallibly fall into hands most unfit to receive it. Nothing remains, then, but to devise something safe and practicable, and place it in prudent hands.

And now, Sir, I would respectfully ask our opponents, of both descriptions, to consider whether this has not been done by the establishment of this Society. I would ask the abolitionist to suspend his own labours, and consider the object and the consequences of ours. I would ask him if it is not better to unite with us in what is safe and practicable, and may be managed with the consent of those whose consent is not to be dispensed with, than to attempt to force his own views upon men, by means which they denounce as dangerous.

Sir, this is the appeal which has been made by the Society, and which it yet makes to one class of its opponents. Nor is it altogether unsuccessful. Many active and benevolent men are now with us, who, but for this Society, would have been working on their own more questionable projects, and vainly attempting what, perhaps can scarcely be pursued, with safety to the peace and happiness of the country.

And may we not appeal also to our Brethren of the South—and ask their fair consideration of the two propositions I have suggested? If feeling, discussion, and action, in reference to a subject upon which they are so sensitive, cannot be extinguished, is it not wise to endeavor to moderate and restrain them? May they not, if they cannot give their approbation to our Society, as good in itself, at least bring themselves to tolerate it as the preventive of greater evils? May it not be wise for those who must know that there are schemes more alarming to their interests than Colonization, to suffer us to enlarge our sphere of action, and bring those who would otherwise be engaged in dangerous and injudicious projects, to unite in our safer labours? May we not claim at least this merit for our labours:—that they are safe? May we not appeal to the experience of eleven years, to show that the work in which we are engaged can be conducted without excitement or

alarm? And who are we, we may be permitted to ask, to whose hands this charge has been committed? We have the same interest in this subject with our Southern Brethren —the same opportunity of understanding it, and of knowing with what care and prudence it should be approached. What greater pledge can we give for the moderation and safety of our measures than our own interests as slave-holders, and the ties that bind us to the slave-holding communities to which we belong?

“I hope I may be excused if I add that the subject which engages us, is one in which it is our right to act—as much our right to act, as it is the right of those who differ with us not to act. If we believe in the existence of a great moral and political evil amongst us, and that duty, honour and interest call upon us to prepare the way for its removal, we must act. All that can be asked of us is, that we act discreetly—with a just regard to the rights and feelings of others;—that we make due allowances for those who differ with us, receive their opposition with patience, and overcome it by the fruits that a favouring Providence, to which we look, may enable us to present from our labors.”*

* Eleventh annual Report of the Managers of A. C. S.

Now what is said here that bears any affinity to the libellous matter in this indictment? The “great moral and political evil” of which I speak, is supposed to be slavery—but is it not plainly the whole coloured race? But if I did say this of slavery, as I am quite willing to say it, here and on all fit occasions, do I not also in the same breath speak of emancipation as a far greater evil? Do I not 10 deprecate the rash and fatal measures of abolition, and all discussion of, or interference with, the subject of slavery? Do I not show that the indirect bearing of the Society's plan on slavery is safe—that the emancipation it thus produces is salutary to us and to the emancipated, and call upon all reasonable Abolitionists to renounce their own dangerous measures, and join us in the only operation that can remove an impediment to their wishes that can never be otherwise overcome? Do I not urge that the only way to prevent dangerous and improper measures from being pursued by men who are ignorant or reckless of their consequences, is to adopt discreet and

proper measures that may operate indirectly upon the object, and put them into wise and prudent hands, whose interests and feelings and close acquaintance with the subject and all things connected with it, will ensure their safety and success?

Now what were the rash and dangerous measures to which this extract alludes? Who are the violent and reckless men whose madness is thus to be apprehended? What, but these wild schemes of abolition? Who, but the fanatics who will peril every thing, even the peace and lives of their brethren, to carry out those schemes?

And yet, the speech that denounces these libels and their authors and publishers, is exhibited as their justification!

No—the Colonization Society and its members had been true to the article quoted from its constitution. Their labours had been *exclusively* directed to the removal to Africa, with their own consent, of such of our coloured people as were free, or were emancipated with the view to such removal. And what had they accomplished? On the coast of that ill-fated continent from which their fathers had been torn, spots of brightness are beginning to appear, the happy abodes of more than three thousand of their free and civilized and Christian descendants. They are restored to the land of their fathers: and they will be blessings to that land. Their light will shine into its dreary wastes, and “its solitary places shall be glad,” and its wildernesses “shall blossom as the rose.” A country depopulated by a cruel trade in the days of ignorance and avarice, will be filled with its long-lost children, restored in these better days of Christian enterprise. The religion to which they owe their restoration, which will give to an admiring world this proof of its reality and power, they will bear with them; and with such men to proclaim it, and such facts to attest it, to their benighted brethren, the powers of darkness will flee before it, and the visions of prophecy will be fulfilled in a consummation that “Vindicates the ways of God to man.”

Let what has been thus accomplished be compared with all that abolition, with all its zeal and resources for the many years in which it has been in operation, has effected. Will not

the Abolitionists see that the very object they have in view, has been, by these means, far more successfully attained than by all their own labours? And by whom has this work been accomplished? By the men the Abolitionists denounce—by slaveholders. A very great proportion of the colonists in these settlements are emancipated slaves, voluntarily emancipated; and much the greater part of the funds expended in the establishment and prosecution of this work of benevolence, have been given by slaveholders.

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Additions are continually making to these settlements as the funds of the Societies enable them, and every year slaves are voluntarily emancipated and offered as colonists. And yet the very men who are thus doing for the Abolitionists their own work, a work of which they have done, and can do, comparatively, nothing themselves, are vilified and denounced by Abolitionists. They desire the freedom of the slaves. Slaveholders emancipate their slaves, and moreover provide means for their settlement and support in Africa. They go and are free and prosperous. Shall not the Abolitionist rejoice at this accomplishment of his own purpose? Will he not give his approbation and his aid? No—it excites his highest wrath. It is persecution, injustice, cruelty. Why? Because they are required to go to Africa. That is made the condition of their emancipation. And why is this condition objected to? In Africa they are in the enjoyment of free and equal rights—a situation essential to happiness. Can the Abolitionists find a place for them in our own country, where they will be allowed free and equal rights? Will they receive them among themselves on these terms? Are the free coloured persons now among them in this condition? No. But they demand that the slaveholders shall emancipate them, and then admit them to equal rights and privileges with themselves, a condition to which they know they are not admitted and will not be admitted among themselves in the free states.

Is not this a most unreasonable demand?

That this condition, of the removal of the emancipated slaves, is beneficial to them, is a matter of fact, proved by comparing their situation in Africa with their situation in the

free States of our country. And their owners believe that it is essential to the safety and happiness of their own community. Either of these considerations justifies the condition.

The Abolitionist, then, sees his own avowed object in a course of accomplishment to a great and continually increasing extent, and he objects to it. He insists that it shall be done without any reference to the welfare of the slave, or the security of the master; that it shall be done, not gradually, as it only can be done—but immediately, as it is not possible to be done. All the reason he gives for this, is the assertion of abstract propositions, which are to be maintained under all circumstances: Slavery is an evil—therefore to be immediately eradicated; slavery is a sin—therefore to be immediately abandoned. Yet there are evils which admit only of gradual remedies—evils, which cannot at certain times and under certain circumstances be removed, without being followed by still greater evils. And there are sins which do not admit of immediate reparation. If the sin of our fathers, or of those who governed our fathers, introduced slavery among us, may we not consult the interests of the enslaved, and our own security, in selecting the time and mode of reparation? Are we bound at once to throw them at large upon a community, if we honestly believe that the consequence will be calamitous to them and dangerous to us? Men do not reason thus absurdly as to other evils or other sins.

Hunger is an evil. It is a sin not to feed the hungry when we have the means. These are as good abstract propositions as those of 12 the Abolitionists: but hunger may be a necessary evil, not to be removed but at the expense of a greater evil. And in certain circumstances, as in the paroxysm of a fever, it would be the greatest cruelty and a sin to relieve it. No man, unless the subject has turned his head, reasons thus upon abstract propositions, to be carried out, without regard to time, circumstances, or consequences.

That slavery is an evil, he believed, was felt and acknowledged by a very large proportion of the people of the slave States: but they felt and knew that it was a necessary evil, not to be removed (except gradually, and on the condition of colonization,) without being followed by far greater evils. His own experience and observation (he said) had greatly changed

his opinions and feelings on this subject. In the course of his professional life he had (as their Honors on the bench well knew) been the common advocate of the petitioners for freedom in our courts. He had tried no causes with more zeal and earnestness. He had considered every such cause as one on which all the worldly weal or woe of a fellow creature depended, and never was his success in any contests so exulting as when, on these occasions, he had stood forth as the advocate of the oppressed, “The poor his client, and Heaven's smile his fee.” But an experience of thirty five years had abated much of his ardour—for he had seen that much the greatest number of those in whose emancipation he had been instrumental, had been far from finding in the result the happiness he had expected. Instead of the blessings that he had believed were thus to be conferred upon them, the subsequent history of those persons had showed him that in most cases (there were a few consoling exceptions) the change of their condition had produced for them nothing but evil.

Still he was far from being cold and indifferent on the subject. He could not rejoice, as he once did, when freedom was conferred upon those to whom he knew it would be a most perilous gift, and who would be placed in situations in which its best privileges and enjoyments would be denied to them. But he did rejoice when he saw it given under circumstances that justified the hope that it would be a real blessing and not a dangerous mockery: When they were to bear it to a land of their own, where all its privileges and blessings were to be theirs. Nor did he despair as to the result. If all may not be accomplished that we may desire in reference to this subject, (though of that he did not despair) he believed that much would be accomplished—if all our land may not be delivered, he was sure that very considerable portions of it night be, and he believed, would be delivered. And this would be done in a way so peaceful and advantageous as to invite all others to follow their examples, while they will afford them the means of doing so.* The operations of the Anti-Slavery associations may retard this work, as they undoubtedly have done: but may we not hope that even Abolitionists will at last be able to see that in their own way they can do nothing; that it is better to remove an evil gradually,

than never; and to do a great deal of a good work (the part done tending to promote the accomplishment of all) than to do none of it?—and that, in doing it, the consent

* See Note A.

13 of those among whom it is to be done, is essential; and that, if they are willing it shall be done in a certain way, we are to take that way?

But slavery is a sin—and we are to make no compromises or delays in putting an end to sin.

If slavery in its origin is here meant, all agree it is a sin: but if they mean (as indeed they plainly say) that buying a slave, or holding a slave, is, under all circumstances, a sin, no proposition can be more false. We need not imagine cases, as any man, any where, easily can, where these acts are the very contraries of sin. We all here know of such cases. The relation of master and slave often commences in an act of the plainest and purest charity —which, if a man has the means of doing it, and feels the obligation of doing to others as he would have done to him, he cannot help doing.

One of their Honors (he was sure) would remember a remarkable instance of this—in which they had prevailed upon a Quaker friend of theirs to forget his principles and join them in the purchase of a negro. He was about to be sold, most probably, away from his family. He had been in the service of the Quaker, and his wages for a few years would amount to the price demanded for him. He begged us to buy him, and let him work out the price. With the Quaker's help and share in the risk, we advanced the money; and the man repaid us, and was free. If this was a sin, (he said) he certainly had not repented of his share of it. It is true we might (if able to do so) have advanced the price as a gift, and it would have been a greater charity: but we were not able to do more than we did—perhaps if we had been very prudent, or it had been a less urgent case, we would not have thought ourselves able to do that. But the reasoning of the Abolitionists did not even occur to the

Quaker. We did not think our inability to do the greater charity was any reason against our doing the less.

Instances like this are common in all the slave communities—and instances of far higher merit—where sacrifices of interest have been made, and burthens and obligations assumed, by becoming or continuing the master of slaves, which manifested the highest and noblest principles of our nature. How often have we seen a man struggling, through all his life, with debts and difficulties from which he could be relieved by a sale of slaves, at a price far above the value of their labour, only because his kindness to them and their fidelity and attachment to him made it impossible to him to give them over to others. How often has such a man died in the midst of his embarrassments, with debts accumulated by his careless generosity of nature and his indulgence to his slaves. These debts are now to be paid—and the slaves must be sold—unless their young master, who probably inherits nothing else but worn out fields, will save them by becoming their purchaser. His prudent friends advise him against thus beginning life with a burthen he will find it hard to bear. His interest pleads that it is better they should be sold, the debts paid, and that he should hold what remains clear of incumbrance. Selfishness suggests that such a sacrifice of his own interests is not his duty—that it is the law which sells them—that it is not his act—that he cannot help it. But he sees, among these afflicted and faithful creatures, his old kind nurse, 14 who has loved him as her own child—the old man who watched over his childhood and made his play things—their children, the playmates of his youth. He remembers the shouts of joy that rung from every cabin, as he galloped past the quarter, on his returns from school, to spend his happy holidays among them—and he can't sell them. He gives bonds for the debts—and goes to work with his grateful and rejoicing slaves.

And this is *“a crying sin”—“an abomination”;* —this is the scene to which the Abolitionist is to come, with his tracts and his pictures;—these are the cabins in which he is to “ *whisper* in the chimney corners,” like the toad at the ear of Eve, his fiend-like doctrines. These grateful creatures he is to teach that they are oppressed—that their master is a *robber* , a

murderer of their souls and bodies. To such a master's dwelling they are to be excited to put the lighted brand—for such a heart they are to sharpen the knife!

He need not read over again the papers they had heard, proving that this is the work of abolition—the plain tendency of the publications which it is scattering throughout the land, and which it avows its determination to propagate every where “where human beings are to be found.”

He had only to ask, in closing this branch of his argument, that the Jury would apply the undisputed definition of a libel he had given them when he commenced. They were to say whether that was not libellous, which thus struck at the sanction of public laws, outraged the feelings of humanity, and threatened the public peace.

Note A.

The present condition of the State of Maryland and its legislation for the last eight or ten years plainly show that that State is now undergoing the change that will make it a free State. The history of that change will be a demonstration to all our land of this fact:— *that no slave State can continue such by the side of a free State* —while the advantages of the change will be so great and obvious, that the operation of the same causes will be greatly accelerated in other States similarly situated.

Virginia and North Carolina are already well disposed to learn this lesson. All these States are friendly to the Colonization cause. It owes its success thus far principally to the people of these three States. They are unanimous in looking to Colonization as a necessary condition (except in peculiar cases) of emancipation. With this condition, there is in the people of all these States a manifest disposition to emancipation.

Let slavery be looked at with these facts and anticipations before us. Let the difference in the situation of our different slave States be considered:—One, in the interior, with slave communities all around it, and no free labour within its reach; another with the free labour

overflowing from the adjoining free State—the increased rent and price of lands—with its emigrants from other States and foreign countries, no longer deterred by the fact of its being a slave State,—and it will be seen that, apart from humanity, true policy will dictate to the one, a course impracticable to the other;—that the one is happily in a condition to make a prosperous change in its institutions, which the other must wait for—but which will, when circumstances make it attainable, be accomplished in the same way and be equally beneficial.

Statistical facts in relation to the different States will give much light as to the operation of the principle I have laid down. In N. Carolina at this time land is at less than half the price of land of the same quality in the parts of Maryland near Pennsylvania. The common rent in N. Carolina is one-fourth, and in Maryland one-half, of the produce of lands of equal quality. In Virginia the same lands are at one-third.

The contrast also exhibited in the different counties of Maryland, as they are 15 near to, or distant from Pennsylvania, is very striking. In the former slavery has nearly ceased. In the latter, though decreasing, it still continues, and there is little free labour. But free labour and all its beneficial consequences will flow from what may be said to be the free counties into the others: and they will thus have the means of substituting other labour, while the increasing rents and prices of land will present to them the same inducements to avail themselves of it.

We may all see very clearly how this principle is to work. Let us be prudent and patient, and it will do much to rejoice the heart of the Patriot and the Philanthropist, and to awaken the hope that it may do all that we can desire for our country and mankind. May we not expect that our northern brethren, instead of applying their funds and efforts where they can do nothing, or nothing but harm, will at last see the propriety of confining them to a field of labour that is ready for their operations?—where their aid will be willingly received, and immediately applied towards effecting their object?

Thus the people in the States upon their borders will be enabled to accelerate their measures for accomplishing the change in their institutions which so many circumstances are concurring to make easy and advantageous. As those circumstances continue to operate, they will, they must part with their slaves. Many will sell them to the south. Many will prefer emancipating and sending them to Africa, if the means of doing so are attainable. Let both doors be set open. They both lead to the advantage of both masters and slaves. Their condition is decidedly better in the south as slaves, than they can be where the little profit of their labour makes their comfortable maintenance in their present situation almost impossible. At the same time every means of encouraging emancipation and removal to Africa should be liberally applied. And surely such masters as prefer this mode of disposition to that of selling them, deserve the assistance of the benevolent.

Here, then, it may be said to the friends of emancipation to the North and every where, is a State rapidly parting with its slaves, a State where they cannot remain. They must go away, they are going away, either to the South, still to be slaves, or to Africa, where they will be free and happy, and where too they will have a powerful influence not only in civilizing and enlightening the wretched inhabitants of that continent, and putting an end to the slave trade, but where they will prepare the way for numbers of their condition in our country to follow them to their father land.

Surely those who would choose for them the latter mode of disposition, will not refuse the aid thus called for to accomplish it.